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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/27/2001

Pawan Chaturvedi

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EXAMINER

MOORE, IAN N

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,137

Applicant(s)

CHATURVEDI ET AL.

Examiner

Ian N. Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-32, 34-40, 47, 50 and 54-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47 and 50 is/are allowed.
- 6) ☒ Claim(s) 29-32, 34-40, 54-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102 (e)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-32, 34-39, 54,56 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Illidge (US 20020085514A1).

Regarding Claim 29, Illidge discloses in a network of the type (see FIG. 1A, 2, 4; mobile communication system 100) comprising an access link (see FIG. 1 A-B, 2, 4; radio access link) for communicatively coupling user terminals (see FIG. 1 A, 2, 4; Mobile stations MS 114) with an access node (see FIG. 1 A, 2, 4; BS 103 communicates with MSs), wherein the access node provides connectivity with a plurality of destinations (see FIG. 1 A, 2, 4; destinations terminals/servers/nodes) including packet-terminated destinations and circuit-terminated destinations (see FIG. 1 A, 2, 4; MSC 101, PDSN 120, IWF 122, RAS 126, and/or remote nodes/terminals/servers, etc.); see page 1-2, paragraph 10-11; see page 3, paragraph 21-23, and wherein communications from a user terminal (see FIG. 1 A, 2, 4; MS 114) to a packet-terminated destination (see FIG. 1 A, 2, 4; IWF 122, or remote node/terminal/server), when carried over the access link, are carried over the access link at a first service level (see FIG. 1 A, 2, 4; the packet/first switch network portion/part of a network between MS, BS, PDSN, MSC, IWF), and communications from a user terminal to a circuit-terminated destination (see FIG. 1

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A, 2, 4; RAS 126, or remote node/terminal/server), when carried over the access link, are carried over the access link at a second service level different than the first service level (see FIG. 1 A, 2, 4; the circuit/second switch network portion/part of a network between a network between MS, BS, PDSN, MSC, IWF, RAS), *wherein the first service level comprises a first data rate for communication over the access link, and the second service level comprises a second data rate for communication over the access link, the first data rate being higher than the second data rate*, method comprising:

receiving a user request to establish a communication session from a user terminal (see FIG. 1 A, 2, 4; MS 114) to a specified circuit-terminated destination (see FIG. 1 A, 2; Remote Access Server RAS 126); see page 2, paragraph 12; see page 3, paragraph 17-18; MS requests for a connection to RAS 126) and

in response to the user request, (i) setting up a first session from the user terminal to an intermediate packet-terminated destination (see FIG. 1 A, 2, 4; IWF 122) via a communication path including the access link (see FIG. 1 A, 2, 4; establishes a packet session/path over an access link between MS 114 and IWF 122 via PDSN 120), so that the first session is carried over the access link at the first service level (see page 2, paragraph 14-15; see page 3, paragraph 20-23), (ii) setting up a second session from the intermediate packet-terminated destination (see FIG. 1 A, 2; IWF 122) to the specified circuit-terminated destination (see FIG. 1 A, 2; RAS 126); see page 2, paragraph 12; establishes a circuit session/path between IWF 122 and RAS 126 via MSC 101), and (iii) bridging the first session with the second session to produce an end-to-end session from the user terminal to the specified destination (see FIG. 1 A, 2; IWF 122 bridges/interworks/interconnects the circuit path/session and the packet path/session between MS

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114 and RAS 126 in order to form an complete connection by *passing a modulated data to the PSTN 124 through MSC 101 for connection to RAS 126*: see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 30 and 54, Illidge discloses setting up the first packet-data session over a communication path/access link comprising an air interface (see FIG. 1A, 2; MS 114 has an air/radio communication interface to request a packet session/path; see page 1, paragraph 10; see page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23).

Regarding Claim 31, Illidge discloses wherein the user terminal comprises a mobile station (see FIG. 1 A, MT2, mobile terminal) and the access node comprises a base station (see FIG. 1 A, BTS 106 or 106; see page 1, paragraph 10).

Regarding Claim 32, Illidge discloses wherein the user terminal further comprises a host device (see FIG. 1 A, TE2, terminal equipment) linked with the mobile station (see FIG. 1 A, MT2, mobile terminal; see page 1, paragraph 10).

Regarding Claim 34, Illidge discloses wherein the request defines a telephone number of the specified destination (see FIG. 1 A, 2; user dials a RAS phone number), the method further comprising:

communicating the telephone number to the translation node/intermediate entity/intermediate packet-terminated destination (see FIG. 1 A, 2; IWF 122 receives the phone number for RAS),

wherein, setting up the circuit-data session between the translation node/intermediate entity/intermediate packet-terminated destination and the specified destination comprises the translation node/intermediate entity/intermediate packet-terminated destination placing a circuit-

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switched call to the telephone number (see FIG. 1 A, 2; IWF 122 placing a circuit switch call to RAS telephone number via PSTN 124); see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 35, Illidge discloses receiving the request at the user terminal (see FIG. 1A-B, 2; MS 114 has user input interface (e.g. keypad); see page 1, paragraph 10; see page 2, paragraph 12; see page 3, paragraph 17-18; user dials MS to trigger a request for connection to RAS 126).

Regarding Claim 36 and 55, Illidge discloses the user terminal sending an origination message over the air interface to a radio access system (see FIG. 1 A, 2, 4; IWF 122; MS requests for a packet session/path over an access link between to IWF 122 via PDSN 120; see page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23), the origination message including a packet-data service code (see FIG. 3-4, in a request message for packet data service to PDSN 120 contains a packet-data service code/indication/address (i.e. source/destination address, control codes); see page 3, paragraph 16-20.

Regarding Claim 37, Illidge discloses sending the telephone number of the specified circuit-terminated destination from the user terminal to the access node (see FIG. 1 A, 2; user dials a RAS phone number and the telephone number is received at BTS 106 or 108); and

sending the telephone number of the specified circuit-terminated destination from the access node to the intermediate packet-terminated destination (see FIG. 1 A, 2; BTS sends the phone number for RAS to IWF 122); see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17.

Regarding Claim 38, Illidge discloses the intermediate destination placing a dial-up call to the telephone number (IWF 122 placing a circuit switch call to RAS telephone number via PSTN 124); see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 39, Illidge discloses sending the user-account information from the user terminal to the access node (see FIG. 1 A, 2, 4; in order to established a call to RAS 126 from MS 114, the MS user account information must be communicated between from MS 114 to BTS 106 or 108);

sending the user-account information from the access-node to the intermediate packet terminated destination/intermediate entity (see FIG. 1 A, 2, 4; BTS 106 or 108 sends MS user account information to IWF 122); and

sending the user-account information from the intermediate packet-terminated destination/ intermediate entity to the specified circuit-terminated destination (see FIG. 1 A, 2, 4; IWF 122 sends the MS user account information to RAS 126 via MSC 101 and PSTN; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 56, Illidge discloses setting up a PPP session between (i) the user terminal and (ii) an entity that is arranged to forward packets of the session to the translation node (see FIG. 1 A, 2,4; setting a PPP session between MS 114 and PDSN 120; see page 2, paragraph 14,15; see page 3, paragraph 21-23).

Regarding Claim 60, Illidge discloses receiving the request from a user (see FIG. 1A, 2; MS 114 has user input interface (e.g. keypad) where user entering the calling number/address; see page 1, paragraph 10, the method further comprising: performing step (b) transparently to the

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user (see FIG. 1 A, 2, 4, 6; page 2, paragraph 12; see page 3, paragraph 17-18; setting the connection between MS and RAS is performed transparently to user; also see FIG. 1 A, PCF, packet switch function 107, VLR 102, RAS 126).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Illidge in view of Nordman (US006061346A).

Regarding Claim 57, Illidge discloses wherein each of a plurality of packets sent from the user terminal to the translation node in the packet-data session includes a predetermine identifier (see page 3, paragraph 16-20; each packet from MS 114 to IWF 122 has a predetermined header/identifier/address),

and wherein setting up the packet-data session between the user terminal and the translation node comprises: setting up a PPP session between (i) the user terminal and (ii) an entity that is arranged to forward each packet to the translation node that the packet includes the identifier (see FIG. 1 A, 2,4; setting a PPP session between MS 114 and PDSN 120 in accordance with packet header/identifier/address; see page 2, paragraph 14,15; see page 3, paragraph 21-23).

Illidge does not explicitly disclose in response to a determination. However, authentication/determination before forwarding the packet is well known in the art. In particular, Nordman teaches in an entity forwarding each packet in response to a determination that the packet includes the identifier (see FIG. 1, col. 8, line 9-23; in response to validation/authentication of address, SGSN 82 forwards the authenticated traffic/packets). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide authentication/validation address for forwarding, as taught by Nordman in the system of Illidge, so that it would ensure secure transmission and assure security; see Nordman col. 8, line 10-16.

Regarding Claim 58, Illidge discloses programming the entity to forward to the translation node each packet that includes the identifier (see FIG. 1 A, 2,4; PDSN 120 forwards packets which includes packet header/identifier/address; see page 2, paragraph 14,15; see page 3, paragraph 21-23. Nordman also discloses programming the entity to forward to the translation node each packet that includes the identifier (col. 8, line 9-23).

Regarding Claim 59, Illidge discloses wherein the identifier comprises a predetermined network address (see FIG. 2, 4; see page 2, paragraph 14,15; see page 3, paragraph 21-23; each packet contains predefine/preconfigured network address of PDSN/IWF/RAS). Nordman also discloses wherein the identifier comprises a predetermined network address (col. 8, line 9-23).

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Illidge in view of Palekar (US006941465B1).

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Regarding Claim 40, Illidge discloses the user-account information as recited above in claims 29,34,38, and 39.

Illidge does not explicitly disclose a username and password. However, it is well known in the art that a user account information in login process includes a username and password. In particular, Palekar teaches a user account information comprises a username and password (see col. 7, line 45 to col. 8, line 33. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide login process of utilizing username and password, as taught by Palekar in the system of Illidge, so that it would provide a method of enforcing a policy that reduces the amount of involvement required by network administrator; see Palekar col. 10, line 19-35.

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Illidge in view of Feder (US 20020089958A1).

Regarding Claim 61, Illidge discloses the intermediate packet-terminated destination as set forth above in claim 29. Illidge does not explicitly disclose a network access server. However, having IWF as network access server is well known in the art. In particular, Feder teaches using a network access server as the translation node (see page 4, paragraph 64, IWF as NAS). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide IWF as NAS, as taught by Feder in the system of Illidge, so that it would relay PPP traffic between end system and the IWF, and provide end users with remote wireless access to the internet, and ISP can offer more services; see Feder page 1, paragraph 10, 11; page 4, paragraph 64.

Allowable Subject Matter

7. Claims 47 and 50 are allowed.

Response to Arguments/Remark

8. No argument presented by the applicant. With respect to amended claims **29-32,34-40** and new claims **54-61** are rejected in view of the same ground(s) of rejection.

Regarding claim 29, the applicant stated that, “...Applicant has amended claim 29 to include the limitation of claim 33. As a result, claim 29 now recites a combination of elements that the examiner indicated would be allowable...” in page 10, section C.

In response to applicant's statement, the examiner respectfully disagrees that claim 29 now recites a combination of elements that the examiner would be allowable, for the following reasons.

1) The allowable limitation in Claim 33 is originally recited in the body of claim 33 (which is essentially in the body of claim 29). However, the applicant has amended claim 29 by incorporating the allowable limitation in Claim 33 into a preamble of claim 29. It is clear that the applicant is not rewritten claim 33 in independent form including all of the limitations of the base claim since the body and the scope of the claim 29 remains unchanged. Thus, claim 29 stands rejected.

2) The limitation “***a first data rate for communication over the access link, and a second data rate for communication over the access link, the first data rate being higher than the second data rate***” has not been given patentable weight because the recitation occurs in the

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preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

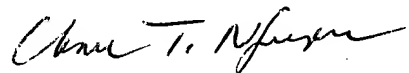
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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